

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRIAN WHITE,

Plaintiff,

v.

SCOTT RACE, et al.,

Defendants.

CIVIL ACTION
NO. 13-5969

ORDER

AND NOW, this 17th day of April 2014, upon consideration of Plaintiff's Motion to Dismiss the Counterclaims (Doc. No. 4), Defendants' Response (Doc. No. 7), Plaintiff's Reply (Doc. No. 8), and the supplemental briefs submitted by both parties (Doc. Nos. 13, 14), it is ORDERED that:

1. Plaintiff's Motion to Dismiss the Counterclaims (Doc. No. 4) is **DENIED** on Count I (breach of contract).
2. Plaintiff's Motion to Dismiss the Counterclaims (Doc. No. 4) is **GRANTED** on Count II (fraud).
3. The case will proceed with respect to Defendants' counterclaims for breach of contract and conversion of intangible property (Counts I and III). Plaintiff is directed to file an Answer to these two counterclaims within 20 days of the date of this Order.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.